

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
3                   CHARLOTTE DIVISION  
4                   CIVIL ACTION NO. 3:20-CV-00504-FDW-DSC

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7       CPI SECURITY SYSTEMS, INC.,         )  
8    )  
9       Plaintiff,                              )  
10    )  
11    )  
12       vs.                                      )  
13    )  
14       VIVINT SMART HOME, INC. f/k/a      )  
15       Mosaic Acquisitions                    )  
16       Corporation; and LEGACY VIVINT      )  
17       SMART HOME, INC. f/k/a Vivint      )  
18       Smart Home, Inc.,                      )  
19    )  
20       Defendants and                        )  
21       Counterclaimants.                      )  
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18                   DEPOSITION OF SHANTELL CHEEK  
19                   (TAKEN BY PLAINTIFF)  
20                   TAKEN VIA ZOOM  
21                   Thursday, August 19, 2021

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25                   Reported in Stenotype by  
                         Erin Ramsey

Transcript produced by computer-aide transcription

<p>1 APPEARANCES  2 ON BEHALF OF PLAINTIFF:  3 DANIEL ROHNER, ESQUIRE  Shook, Hardy &amp; Bacon, LLP  4 1660 17th Street  Suite 450  5 Denver, Colorado 80202  (303) 285-5300  6 Drophner@shb.com  7</p> <p>8 ON BEHALF OF DEFENDANTs:  9 GREGORY HERBERT, ESQUIRE  Greenberg Traurig  450 S. Orange Avenue  10 Suite 650  Orlando, Florida 32801  11 (407) 420-1000  Herbertg@gtlaw.com  12  13  14  15 Job No. CS4749790  16  17  18  19  20</p> <p>21 DEPOSITION OF SHANTELL CHEEK, a witness called  on behalf Plaintiff, before Erin Ramsey, Notary  Public, in and for the State of North Carolina, at  taken via Zoom, on Thursday, August 19th, 2021,  commencing at 4:04 p.m.</p>	<p>Page 2</p> <p>1 THE VIDEOGRAPHER: This is the beginning  2 of the videotape deposition of Shantell Cheek in the  3 matter of CPI Securities Systems Incorporated versus  4 Vivint Smart Home Incorporated, et al. Today's date  5 is August 19th, 2021, and the time is 4:04 p.m.  6 Counsel, please introduce yourselves after  7 which our court reporter will swear in the witness.  8 MR. ROHNER: This is Dan Rohner,  9 R-o-h-n-e-r, from Shook, Hardy &amp; Bacon, LLP, on behalf  10 of the plaintiff, CPI Security Systems, Inc.  11 MR. HERBERT: This is Gregory Herbert with  12 the law firm of Greenberg Traurig on behalf of the  13 defendants, Vivint. And also with me listening in are  14 Matthew Steward of the law firm Clyde Snow also  15 representing the defendant and our paralegal, Paula  16 Castro will be listening only.  17 SHANTELL CHEEK,  18 called as a witness by the Plaintiff, was first duly  19 sworn, as hereinafter certified, examined, and  20 testified as follows:  21 EXAMINATION  22 BY MR. ROHNER:  23 Q. Good afternoon, Ms. Cheek. My name is Dan  24 Rohner, you just heard me introduce myself for the  25 record, I represent CPI Security Systems, Inc. And I</p>
<p>1 INDEX OF EXAMINATIONS  2 BY MR. ROHNER..... PAGE 4  3 BY MR. HERBERT..... PAGE 19  4  5  6  7 INDEX OF EXHIBITS  8 NUMBER EXHIBIT MARKED  9 Exhibit 1 CPI Contract.....9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>Page 3</p> <p>1 want to let you know we really appreciate you taking  2 the time to be here today.  3 The first question I have for you, have you  4 ever been involved in a deposition before?  5 A. Nope. Have not.  6 Q. So why don't I start by just going over a few  7 ground rules that help things move a little smoother  8 and help ensure that we have a clear record.  9 Ms. Ramsey who you heard speaking before, she's a  10 court reporter and she's actually taking down  11 everything that I'm saying, everything that you're  12 saying and anything that any of the other lawyers say.  13 So one thing I'd like to remind everybody, especially  14 if you've never done this before, is that it's really  15 important that we endeavor not to speak over each  16 other. And probably that's more my issue than yours,  17 but I have to remind myself to wait until the witness  18 has answered the question fully before I ask my next  19 question.  20 But I would caution you too sometimes witnesses  21 we just normally we anticipate what someone is going  22 to ask and it's not uncommon to start answering a  23 question while there still maybe words in the question  24 being asked. So I ask you to sort of take a pause,  25 make sure that we're done with the questions before</p>

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<p style="text-align: right;">Page 6</p> <p>1 you answer and I'll do the exact same or try to do the 2 exact same thing for you. 3 Does that make sense? 4 A. Sounds good. 5 Q. Another ground rule is that since it's 6 important for the record to be clear, there are times 7 when I may question where the answer is yes or no and 8 in the past we've had witnesses that may shake their 9 head up and down or to the side or may say uh-huh or 10 uh-uh, and those are the kinds of answers that will 11 drive a court reporter crazy because they don't know 12 exactly what the answer was. So if the answer to a 13 question I ask you is yes I'm going to ask that you 14 audibly say yes or no. And it's okay that it happens 15 where people forget and I'll remind you but that's why 16 I'm asking you to give you those audible responses so 17 the court reporter can get the answers down. 18 Does that make sense? 19 A. Yes. 20 Q. Another ground rule is if at any point I ask a 21 question that you don't understand I'm going to ask 22 that you let me know that because I'm happy to 23 rephrase it. The goal here is to get a clear and 24 truthful testimony so if I ask a question and you need 25 me to repeat it or you would like for me to be</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. What -- 2 A. Nurse program. 3 Q. What is an Uninsured Program? 4 A. So we actually try to coordinate care for those 5 without health insurance. So we work with providers, 6 specialists, whomever in the health care industry to 7 see if we can't get some patients taken care of. 8 Q. And how long have you been doing that? 9 A. 2009 I've been with the -- with this employer. 10 Q. And are you a nurse? 11 A. I am. Yes. 12 Q. At your current residence do you have a 13 security system? 14 A. Yes. 15 Q. And who is your current security services 16 provider? 17 A. We use CPI. 18 Q. Okay. How long have you been a customer of 19 CPI? 20 A. You know, I'm not 100 percent sure. I know we 21 moved into in 2014 so shortly thereafter. 22 Q. Do you have a recollection of actually signing 23 a contract with CPI to provide services? 24 A. Yes. 25 Q. I'm going to share my screen and hopefully</p>
<p style="text-align: right;">Page 7</p> <p>1 rephrase it, please feel that you're committed to do 2 that. I don't want you answering any questions if you 3 feel you don't understand the question I'm asking. 4 A. Okay. 5 Q. And lastly, I don't anticipate this is going to 6 be very long, but if at any point you need a break to 7 use the restroom just let me know and I'm happy to 8 take that break and give you the time that you need. 9 A. All right. Sounds good. Thank you. 10 Q. Okay. You said your name now, I want to make 11 sure I'm pronouncing it, is Shantell Cheek? 12 A. Yes, that's correct. 13 Q. And where do you live, Ms. Cheek? 14 A. I live in Winterville, North Carolina. 15 Q. And how long have you lived there? 16 A. My current address I have been since 2014. 17 Q. And what's your current address? 18 A. 2408 Carlow Place, C-a-r-l-o-w, Place and 19 that's Winterville and the zip code is 28590. 20 Q. And seeing that you're uniform I think I know 21 the answer to this question but are you currently 22 employed? 23 A. Yes. 24 Q. And what do you do? 25 A. And am the director of an Uninsured Program.</p>	<p style="text-align: right;">Page 9</p> <p>1 there will be an exhibit that will pop up, Ms. Cheek. 2 So let me know if you see it and then I'm going to ask 3 you a couple of questions about the exhibit. 4 (Plaintiff's Exhibit 1 was marked for 5 identification.) 6 A. Okay. 7 Q. Okay. So hopefully you see a document in front 8 of you. 9 A. Yes. 10 Q. That at the top it says CPI Security 11 Installation and Monitoring agreement; do you see 12 that? 13 A. Yes. 14 Q. Okay. And I don't know -- let me blow this up 15 a little bit. At the top where it says customer name; 16 is that your name? 17 A. Yes. 18 Q. I'm going to scroll -- it's a seven-page 19 document, I'm going to scroll down so you have a 20 chance to look at. If you need me to slow down just 21 let me know. You see at the bottom at the first page 22 is a signature block with your name dated May 1st, 23 2018. Keep scrolling down here. And that's the last 24 page. So I'm going to go back up to the first page. 25 Do you see recognize this document? It's been marked</p>

<p>1 as Plaintiff's Exhibit 1.</p> <p>2 A. Yes.</p> <p>3 Q. And what is it?</p> <p>4 A. I think that's the contract I signed, yes.</p> <p>5 Q. And I think I noted this but at the bottom</p> <p>6 there's -- of the first page where your signature is</p> <p>7 there's a date of May 1st, 2018; do you see that?</p> <p>8 A. I do.</p> <p>9 Q. Does that refresh your recollection at all as</p> <p>10 to when you may have become a CPI customer?</p> <p>11 A. Yeah, it does. I do remember after moving in</p> <p>12 we did not immediately get an alarm system but shortly</p> <p>13 thereafter so that seems accurate.</p> <p>14 Q. And since the date of this agreement, May 1st,</p> <p>15 2018, have you consistently remained a CPI customer</p> <p>16 during that period of time up through today?</p> <p>17 A. Yes.</p> <p>18 Q. Now, since you became a CPI customer have you</p> <p>19 ever been solicited by another security company?</p> <p>20 A. Yes.</p> <p>21 Q. And what security company were you solicited</p> <p>22 by?</p> <p>23 A. Vivint. Vivint. Not sure of the</p> <p>24 pronunciation.</p> <p>25 Q. It's pronounced Vivint so you --</p>	<p>Page 10</p> <p>1 security system, CPI, and, you know, his company were</p> <p>2 now doing business, something to that effect, and he</p> <p>3 want wanted to discuss the security system with me.</p> <p>4 Q. Okay. You -- earlier in your testimony you</p> <p>5 mentioned the word merge or merger; do you remember</p> <p>6 him using that word that the two companies had merged?</p> <p>7 MR. HERBERT: Object to the form.</p> <p>8 A. Not sure if it was merge but it gave that</p> <p>9 impression that they were now one company or doing</p> <p>10 business together. So it was basically Vivint and CPI</p> <p>11 were now one based on his wording from my recollection</p> <p>12 and my understanding.</p> <p>13 Q. After he told you this -- made this statement</p> <p>14 about the two companies working together or merging,</p> <p>15 what happened next?</p> <p>16 A. I told him I wasn't interested, I thought it</p> <p>17 was a little fishy, said no thank you, and he sort of</p> <p>18 persisted that he wanted to discuss the security</p> <p>19 system with me, and I said no thank you, went inside</p> <p>20 and shut the door.</p> <p>21 Q. You just testified that it seemed fishy to you,</p> <p>22 why did it seem fishy?</p> <p>23 A. Usually from my experience companies will maybe</p> <p>24 send something like that in the mail or, you know,</p> <p>25 make a phone call and not necessarily going from</p>
<p>1 A. Okay.</p> <p>2 Q. And you're not the first witness that</p> <p>3 mispronounces it. It's a tough pronunciation</p> <p>4 sometimes.</p> <p>5 Okay. So tell me what you remember about when</p> <p>6 you were solicited. Was it at your home or somewhere</p> <p>7 else?</p> <p>8 A. No, it was at my home. Doorbell rang, went to</p> <p>9 the door to see who it was, gentleman saying that CPI</p> <p>10 and Vivint were now run by the same company, something</p> <p>11 to the effect that they were merging or something to</p> <p>12 that effect, and they were just wondering if they</p> <p>13 could talk to me about the security system.</p> <p>14 Q. So let me kind of back up a little bit. From</p> <p>15 memory you opened it up, did you tell this person you</p> <p>16 were a CPI customer?</p> <p>17 A. No. I have one of the signs, the home</p> <p>18 monitoring signs outside in the front lawn.</p> <p>19 Q. And so you mentioned you opened the door and</p> <p>20 what's the first thing you remember him saying?</p> <p>21 MR. HERBERT: Object to form.</p> <p>22 A. Can't tell you exactly. It probably was hello,</p> <p>23 you know, how are you. But I can't, you know, be</p> <p>24 exactly sure what that was but I do know when, you</p> <p>25 know, he said I want to talk to you about your</p>	<p>Page 11</p> <p>1 home -- you know, ringing on the doorbell. It just</p> <p>2 seemed odd. So I just didn't want to take any part in</p> <p>3 it until I got something in writing per se.</p> <p>4 Q. While he was on this doorstep did he say</p> <p>5 anything else about -- about the company he worked for</p> <p>6 or its relationship with CPI --</p> <p>7 MR. HERBERT: Object to form.</p> <p>8 Q. -- that you remember?</p> <p>9 A. Not that I recall. He just kept asking, you</p> <p>10 know, can we have a discussion about your security</p> <p>11 system and that's what really, you know, heightened</p> <p>12 alert because he was asking about the security system</p> <p>13 itself and I just thought it was maybe a scam, someone</p> <p>14 trying to get in, and eventually come back and, you</p> <p>15 know, maybe rob the house or something. Maybe just</p> <p>16 due to my hypervigilance but he just kept referencing</p> <p>17 the security system.</p> <p>18 Q. Now, had you told him anything about your</p> <p>19 security system?</p> <p>20 A. No, and did not ever tell him anything about my</p> <p>21 security system. I told him --</p> <p>22 Q. Did you --</p> <p>23 A. I'm sorry.</p> <p>24 Q. No, I'm sorry. I interrupted you so please</p> <p>25 finish.</p>

<p style="text-align: right;">Page 14</p> <p>1 A. No, I told him we were with CPI and that we 2 were good. So, you know, sort of turned around and 3 closed the door.</p> <p>4 Q. Did he indicate that he knew anything about you 5 or your security system?</p> <p>6 A. Not that I recall. You know, he didn't call me 7 by name or anything. Didn't have anything that 8 alerted me to maybe them being one company.</p> <p>9 Q. You mentioned before that after you told him 10 that you were with CPI and you were happy that he 11 persisted; what did you mean by that?</p> <p>12 MR. HERBERT: Object to form.</p> <p>13 A. He just asking do you mind if we have a 14 conversation, you know, since we're now, you know, one 15 in the same, do you mind if we keep talking about your 16 security system, and my answer was the same, no, not 17 interested.</p> <p>18 Q. You said that at a certain point you did end 19 the conversation?</p> <p>20 A. I did.</p> <p>21 Q. And how did the conversation end?</p> <p>22 A. Basically me saying pretty sternly I'm not 23 interested, I turned around and walked back in my home 24 and locked the door and watched through the peephole.</p> <p>25 Q. And what did you see out the peephole after the</p>	<p style="text-align: right;">Page 16</p> <p>1 I guess, years ago sent out an e-mail saying that 2 Vivint and CPI are not the same company so be aware I 3 called customer service and they gave me another 4 e-mail to send that in. So I sent it in twice. You 5 know, initially when it happened and then just not too 6 long ago, maybe a month ago if that long.</p> <p>7 Q. And just to be clear, what you sent was a 8 picture of the license plate of the vehicle that the 9 man was driving?</p> <p>10 A. Correct, yes.</p> <p>11 Q. And what else?</p> <p>12 A. That was it. A picture of the truck and a 13 picture of the license plate.</p> <p>14 Q. Okay. Now, you mentioned that you had put in a 15 call to CPI, that call happened after this 16 interaction?</p> <p>17 A. Yes, it did. I believe we were sent some kind 18 of e-mail possibly alerting us -- CPI customers that 19 this was happening, different salespeople going to 20 homes and so I wanted to let them know that that 21 indeed happened to us and I guess that's what got the 22 ball rolling as far as my involvement.</p> <p>23 Q. After you had this interaction did you have any 24 concerns about your experience with the Vivint 25 salesperson?</p>
<p style="text-align: right;">Page 15</p> <p>1 conversation was over?</p> <p>2 A. He went to another neighbor's house.</p> <p>3 Q. Do you know if that neighbor also had a CPI 4 security system?</p> <p>5 MR. HERBERT: Object to the form.</p> <p>6 A. No.</p> <p>7 Q. After this interaction -- well, actually let me 8 take a step back. Did you get the name of the 9 salesperson that was at your door step from Vivint?</p> <p>10 A. I did not get the name but I did get a picture 11 of the vehicle and a license plate.</p> <p>12 Q. Okay. Do you still have that -- those 13 pictures?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have any objection to sharing those with 16 CPI and Vivint if we follow up and --</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 A. No, not at all. I sent them in previously and 20 I don't mind doing that again.</p> <p>21 Q. You sent them in -- where did you send them to?</p> <p>22 A. I'll have to close out the Zoom to look at my 23 e-mail but when I was called about possibly 24 participating in the deposition I was asked to send 25 them so I sent them. And then once I -- once CPI did,</p>	<p style="text-align: right;">Page 17</p> <p>1 MR. HERBERT: Object to the form.</p> <p>2 A. I thought it was odd but, you know, after I 3 shut the door, didn't think anything else of it, I did 4 see the same vehicle back in the neighborhood sometime 5 after. I don't know if it was a day after but he was 6 still back in the neighborhood and then after getting 7 the e-mail correspondence from CPI my antenna was 8 definitely raised and that's when I called them to let 9 them know that I did experience some strange 10 interaction with them.</p> <p>11 Q. You mentioned that the vehicle was still in the 12 area the next day, do you know how long that 13 salesperson remained in the area in your neighborhood?</p> <p>14 A. No, I'm not sure.</p> <p>15 Q. After -- at any point since that interaction 16 have you had any interactions with Vivint either that 17 salesperson or another salesperson from Vivint?</p> <p>18 A. I have not but my husband has. Just recently 19 another salesperson came to the door with the same 20 kind of, I guess, pitch but my husband did the same, 21 said that we weren't interested and then closed the 22 door, and of course I looked through the peephole and 23 I saw that he was at another neighbor's house on a 24 segway and going door to door.</p> <p>25 Q. You said same sort of pitch, what do you mean</p>

<p style="text-align: right;">Page 18</p> <p>1 by same sort of pitch?</p> <p>2 MR. HERBERT: I'm going to object to the 3 form of the question.</p> <p>4 I'm sorry, Ms. Cheek. Occasionally I 5 might have to interpose an objection on the record. I 6 don't mean to interrupt you, I'm just going to note an 7 objection for the record to the extent that the 8 question solicits hearsay statements of another person 9 and otherwise object to the form.</p> <p>10 Q. Do you remember my question, Ms. Cheek? Let me 11 ask it again. And he may object again and then we'll 12 go forward.</p> <p>13 So the question was, you said the same sort of 14 pitch and I asked what did you mean by same sort of 15 pitch?</p> <p>16 Hold on one second so Mr. Herbert can get his 17 objection in.</p> <p>18 MR. HERBERT: I'll just say same 19 objection.</p> <p>20 Q. And now you may answer.</p> <p>21 A. Okay. It was someone -- salesperson came to 22 the door asking my husband if he could have a 23 conversation about the security system and again, my 24 husband's reply was no thank you, we're good, we're 25 with CPI and closed the door.</p>	<p style="text-align: right;">Page 20</p> <p>1 didn't persuade you to do business with Vivint at all, 2 correct?</p> <p>3 A. No, it did not. Completely opposite.</p> <p>4 Q. And you are still under contract with CPI, 5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you plan on renewing your contract with CPI 8 when it expires?</p> <p>9 A. Yes, as far as I know.</p> <p>10 Q. Okay. So this interaction that you testified 11 about, that did not in any way cause you to 12 discontinue doing business with CPI; is that a fair 13 statement?</p> <p>14 A. Yes, that's a fair statement.</p> <p>15 Q. Okay. So CPI didn't lose any money that you 16 know of as a result of this interaction that you 17 testified about, right?</p> <p>18 MR. ROHNER: Object to form.</p> <p>19 A. No, they didn't lose any money from me, no.</p> <p>20 Q. Okay. And then I wanted to also ask you about 21 you mentioned that your husband had an interaction 22 that you testified about. Now, were you actually 23 physically there at the door present when your husband 24 had that interaction or was he just on his own and he 25 told you about it afterwards?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Thank you.</p> <p>2 A. Uh-huh.</p> <p>3 Q. And I may have asked you this, anything else 4 about the interaction with the Vivint salesperson that 5 caused you any concern?</p> <p>6 MR. HERBERT: Object to form.</p> <p>7 A. Well, he was kind of pushy, maybe, and I don't 8 know -- kind of pushy and that's what sort of made me 9 come back kind of stern and say no, we're not 10 interested and just turned around and just shut the 11 door. Normally would not have done that to someone. 12 But just kept asking and kept pushing about discussing 13 the security system.</p> <p>14 MR. ROHNER: I have no further questions.</p> <p>15 Thank you.</p> <p>16 THE WITNESS: Thank you.</p> <p>17 EXAMINATION</p> <p>18 BY MR. HERBERT:</p> <p>19 Q. Hi, Ms. Cheek. I just have a couple of 20 follow-up questions. Let me ask you, you have never 21 spent one dollar with Vivint ever in your life, right?</p> <p>22 A. No, I have not.</p> <p>23 Q. Okay. And same for your husband, right?</p> <p>24 A. Correct, yes. Correct, we have not.</p> <p>25 Q. And this interaction that you talked about</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Yeah, I was in our bedroom and he answered the 2 door and it happened so quickly by the time I came out 3 of the bedroom to see who was at the door, he already 4 closed the door and locked so it was a very brief 5 interaction.</p> <p>6 Q. Okay. And you being in the bedroom I would 7 assume you could not hear that conversation at the 8 front door at that time, right?</p> <p>9 A. Correct, I did not.</p> <p>10 Q. Okay. So -- and just to clarify then, you 11 personally didn't hear anything that that sales rep 12 said to your husband in that one brief interaction; is 13 that a fair statement?</p> <p>14 A. Yes, that's accurate. I could not overhear the 15 conversation.</p> <p>16 Q. Okay. You talked a little bit about an e-mail 17 that you received from CPI; do you remember that?</p> <p>18 A. I do, uh-huh, yes.</p> <p>19 Q. And now that e-mail, did that appear to be sort 20 of like an e-mail blast that was sent to all CPI 21 customers as far as you can tell?</p> <p>22 A. I would assume so. Maybe from customer 23 service. I would have to say yes.</p> <p>24 Q. Okay. So it wasn't just an e-mail to you 25 personally saying dear Ms. Cheek, we want to let you</p>

<p style="text-align: right;">Page 22</p> <p>1 personally know about this based on your particular 2 contract with us, it was something more general and 3 broad intended for all CPI customers as far as you 4 could tell?</p> <p>5 A. I would assume so. Maybe it had been reported 6 by other CPI customers that this was happening so I 7 guess they were just sending out a general customer 8 care e-mail.</p> <p>9 Q. Okay. And do you recall did you get that 10 e-mail was that before or was that after your 11 interaction that you testified about earlier?</p> <p>12 A. It was after.</p> <p>13 Q. And did you say that you got two separate 14 e-mails like that from CPI or just the one?</p> <p>15 A. No, just one. The two e-mails I referenced was 16 me sending the photograph of the truck and of the 17 license plate. I sent that to CPI twice. Well, CPI 18 and the lawyers I guess. The legal office, the law 19 office.</p> <p>20 Q. Okay. So I just wanted to focus on the e-mail 21 that you got from CPI and from testimony I know you 22 got one of these blast e-mails that was talking about 23 Vivint, but what I didn't recall is whether you 24 mentioned that you also got a second follow-up blast 25 e-mail from CPI.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Sure. Sure. Fair enough. Do you recall 2 anything else that that blast e-mail said about Vivint 3 specifically?</p> <p>4 A. I think it was more or less reach out to 5 customer service if you have any concerns or any 6 questions and so that was my next action step to reach 7 out to them to let them know what was happening in our 8 area.</p> <p>9 Q. Do you recall if the e-mail said something 10 along the lines of Vivint has a long history of making 11 false statements; does that sound familiar to you?</p> <p>12 A. I can't say that I remember that. Sorry.</p> <p>13 Q. No problem. Let me ask you, do you happen to 14 know -- you -- I think you mentioned you have a CPI 15 sign in your front yard or outside the house?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you happen to know what the shape of 18 that sign is or the colors off hand?</p> <p>19 A. I'm sorry. It's a red and white sign attached 20 to a metal stake that we have outside in our mulch.</p> <p>21 Q. Do you know what shape the sign is?</p> <p>22 A. Maybe an octagon. Something like that.</p> <p>23 Q. Okay. Other than Vivint and CPI, are you 24 aware -- do you know about any other home security or 25 alarm company providers that are out there in the</p>
<p style="text-align: right;">Page 23</p> <p>1 Do you recall if you only just got that one 2 that you talked about or did you get two?</p> <p>3 A. No. I got one general care e-mail and then 4 it's when I made the phone call and then I got an 5 e-mail very specifically to me asking me to share 6 photos.</p> <p>7 Q. Okay. So I just want to ask about the first, 8 sort of, blast e-mail that you got. That blast 9 e-mail, was -- it was talking about Vivint as a 10 company, right?</p> <p>11 A. Yes. I think it was more along the lines that 12 just be aware that this is happening, CPI is still 13 just CPI, it hasn't joined forces with anyone as far 14 as I recollect, that's what -- it was a general care 15 e-mail.</p> <p>16 Q. Do you recall -- did that e-mail say that 17 Vivint as a company is a scam?</p> <p>18 A. I don't recall reading that or the e-mail 19 saying anything like that.</p> <p>20 Q. Okay. Did you ever receive any type of e-mail 21 that was entitled Vivint door knocker scam alert; does 22 that sound familiar?</p> <p>23 A. I would hate -- no, I don't recall anything 24 like that. I would hate to say yes or no one way or 25 the other.</p>	<p style="text-align: right;">Page 25</p> <p>1 market?</p> <p>2 MR. ROHNER: Object to form.</p> <p>3 A. Yes, I'm aware of them.</p> <p>4 Q. Could you name some other companies that are 5 out there other than CPI or Vivint?</p> <p>6 A. Yeah. There's ADT, there's SimpliSafe, if I'm 7 not mistaken I think Brinks has one, just from what I 8 researched to look into security company. I 9 researched.</p> <p>10 Q. Okay. So you think you might know ADTs logo if 11 you saw it?</p> <p>12 A. I know the color is blue and the words are in 13 white if I remember correctly.</p> <p>14 Q. Let me ask you, do you have any knowledge about 15 the CEO of CPI, man -- gentleman by the name of Mr. 16 Ken Gil, there was some controversy regarding some 17 comments that he made last summer; are you generally 18 aware of that?</p> <p>19 A. I am.</p> <p>20 Q. Okay. What do you recall about that 21 controversy or those comments?</p> <p>22 A. I think it has something to do with the 23 protests that were happening across the nation when it 24 had -- you know, dealing with -- started with kneeling 25 and he just made some comments that were -- could have</p>

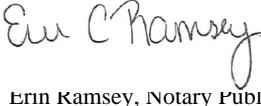
<p style="text-align: right;">Page 26</p> <p>1 been taken as being disparaging depending on what side 2 of the fence you were on.</p> <p>3 Q. Do you remember that certain sports teams ended 4 their relationship with CPI as a result of that 5 controversy?</p> <p>6 A. I do. Carolina Panthers ended their sports 7 contract with them.</p> <p>8 Q. Okay. And do you recall that the Charlotte 9 Hornets did as well?</p> <p>10 A. I did not know that, no.</p> <p>11 Q. Okay. Did you -- were you aware about any 12 comments that the basketball star Michael Jordan made 13 about that controversy and the Hornets ending that 14 relationship?</p> <p>15 A. No, I didn't know that either.</p> <p>16 Q. Okay. But you had heard about the Carolina 21 Panthers ending that relationship?</p> <p>22 A. Yes, we're a huge football family.</p> <p>23 Q. Panthers fan I take it?</p> <p>24 A. My son is.</p> <p>25 Q. Lot a Florida State players on the Panthers at</p>	<p style="text-align: right;">Page 28</p> <p>1 terminating your contract with CPI at that time when 2 you were calling asking how much time you had left?</p> <p>3 MR. ROHNER: Object to form.</p> <p>4 THE WITNESS: I'm sorry, I cut you off.</p> <p>5 MR. ROHNER: No. I object to form and now 6 you can answer. Sorry.</p> <p>7 A. We had had some conversation within the 8 household just thinking about -- yes, thinking about 9 possibility ending our contract.</p> <p>10 Q. Okay. And then ultimately you decided to 11 continue with CPI despite those comments and that 12 controversy surrounding those comments?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And then the interaction that you 15 testified about with the sales rep at your door, that 16 didn't -- did that happen before or after you had 17 called CPI about this controversy and the comments; do 18 you remember?</p> <p>19 A. I believe that was after.</p> <p>20 Q. Okay. Okay. Do you recall --</p> <p>21 A. I'm sorry, can I just?</p> <p>22 Q. Of course.</p> <p>23 A. I want to make sure I answer that question 24 correctly. The interaction with the salesperson 25 happened before so my call to CPI about my contract</p>
<p style="text-align: right;">Page 27</p> <p>1 one point so kind of a fan myself.</p> <p>2 A. I hear you.</p> <p>3 Q. You saw that in the news or on the internet or 4 heard it on the radio or something along those lines?</p> <p>5 A. Probably on the internet. And then I went and 6 did my own research to see what was said.</p> <p>7 Q. Okay. And did you look up and see what the 8 comments were?</p> <p>9 A. Yes. I don't remember 100 percent exactly what 10 they were, you know, word for word right now but yes, 11 I do remember reading that the comments were caused -- 12 caused some disparaging feelings and they were some 13 remarks that, you know -- again, depending on what 14 side of the fence you're on could cause -- could stir 15 up some emotion.</p> <p>16 Q. Okay. Did you ever discuss that with CPI, 17 maybe call their customer service and asked them about 18 those comments or the controversy surrounding that?</p> <p>19 A. I think I do remember asking how long I had on 20 my contract before I had gone and done some research 21 about what, you know, was actually said. It caused 22 some emotion -- it elicited some emotion in me as well 23 so -- but I think I called asking about how long we 24 had on our contract.</p> <p>25 Q. And I would guess if you were contemplating</p>	<p style="text-align: right;">Page 29</p> <p>1 happened after my interaction with the representative 2 at the door. I just wanted to be sure I answered that 3 correctly.</p> <p>4 Q. Okay. I got it. So the end result was you and 5 your family made the decision that despite that 6 controversy you were going to continue your 7 contractual relationship with CPI, right? The sound 8 cut off a little bit, that was a yes?</p> <p>9 A. Yes. It's a yes.</p> <p>10 MR. HERBERT: Okay. All right. I have no 11 further questions. Thank you very much. I might have 12 some more if Mr. Rohner is going to follow up, I might 13 possibility have one or two but hopefully not.</p> <p>14 MR. ROHNER: I have no further questions.</p> <p>15 MR. HERBERT: Neither do I. Thank you 16 very much for your time, Ms. Cheek. I appreciate it.</p> <p>17 MR. ROHNER: Thank you, Ms. Cheek.</p> <p>18 THE WITNESS: Thank you.</p> <p>19 THE VIDEOGRAPHER: The time is 4:42 p.m., 20 we're off the record.</p> <p>21 (Off the record at 4:42 p.m.)</p> <p>22 (Signature was waived.)</p> <p>23</p> <p>24</p> <p>25</p>

1 STATE OF NORTH CAROLINA  
2 COUNTY OF GUILFORD

3 REPORTER'S CERTIFICATE  
4 I, Erin Ramsey, a Notary Public in and for the  
5 State of North Carolina, do hereby certify that there  
6 came before me on Thursday, the 19th day of August,  
7 2021, the person hereinbefore named, in Pitt County,  
8 who was by me duly sworn to testify to the truth and  
9 nothing but the truth of his knowledge concerning the  
10 matters in controversy in this cause; that the witness  
11 was thereupon examined under oath, the examination  
12 reduced to typewriting under my direction, and the  
13 deposition is a true record of the testimony given by  
14 the witness.

15 I further certify that I am neither attorney or  
16 counsel for, nor related to or employed by, any  
17 attorney or counsel employed by the parties hereto or  
18 financially interested in the action.

19 IN WITNESS WHEREOF, I have hereto set my hand,  
20 this the 27th day of August, 2021, according to the  
21 emergency video notarization requirements contained in  
22 G.S. 10B-25.

23  
24   
25 ERIN RAMSEY, Notary Public  
Notary Number: 201814200166

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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